

REMARKS

Independent claims 20 and 23 have been amended and new claim 24 added to more clearly define the present invention.

In claim 23, the rejection under 35 USC 112, first paragraph is overcome by the deletion of the last paragraph thereof. Claim 16 has been amended to overcome the Examiner's rejection under 35 USC 112, second paragraph by the elimination of indefinite language. Also in view of the Examiner's objections to the use of the term "turnbuckle" this term has been deleted.

Regarding the amendment to independent claims 20 and 23, the wedge is now defined as having spaced apart parallel grooves for engaging teeth in one of the claws of each device and as set forth in independent claim 23 and new claim 24, each of the wedges have unattached free ends which enable insertion of the wedge through corresponding claw openings. In addition, as set forth in new claim 24, when insert through the claw openings the wedge has an upper free end position higher in vertical direction than the lower free end of the wedge. All of these features are shown in original Figures 1b and 2 and accordingly no new matter has been added.

The Examiner has rejected claims 20, 11, 16, 19, and 23 under 35 USC 102(b) as being anticipated by European Patent Application 0552621 (EP '621).

EP '621 does not teach a "wedge" 9 having two free ends as is shown in the figures. One end of the "wedge" 9 must be attached to the movable jaw for it is stated in column 2 at line 32: "It will be appreciated that by rotating the 'wing' '10' provided on the boat, the movable jaw 3 may be moved toward or away from the jaw 2." Accordingly, the "wedge" or threaded bolt 9 must be attached to the movable jaw 3.

Thus, in accordance with the criteria set down for anticipation and recited in early amendments and since EP '621 does not include a wedge having free ends, a rejection of

the claims is now sustainable under 35 USC 102(b). The Examiner is respectfully requested to withdraw this rejection.

Claims 20, 16, 19, and 23 have been rejected by the Examiner under 35 USC 102(b) as being anticipated by DE 3545273 (DE '273). Independent claims 20 and 23 have been amended to define the wedge being inclined at an angle less than 90° with respect to the clamping direction.

It is clear from a review of the figures of DE '273 the wedges are disposed at a 90° angle with respect to the clamping direction. Such alignment provides opportunity for collisions of neighboring devices as each wedge is advanced or driven out of the claws. Accordingly, it must be concluded that the basis for anticipation has not been met on the basis of DE '273 and the Examiner is respectfully requested to withdraw this rejection.

Claims 21-23 rejected by the Examiner under 35 USC 102(b) as being anticipated or in the alternative under 35 USC 103(a) as obvious over EP '621 or DE '273.

The Applicant reiterates the arguments hereinabove set forth with regard to these references and submits that a *prima facie* case of anticipation or obviousness for claims 21-23 cannot be established on the basis of the cited references.

With regard to claims 13 and 14 rejected by the Examiner under 35 USC 103(a) as being unpatentable over EP '621, the Applicant submits that if an independent claim is non-obvious under 35 USC 103 than any claim depending therefrom is not obvious. *In re Fine*, 5 USPQ 2d 1596 (Fed. Cir. 1988). Accordingly, the Examiner is respectfully requested to withdraw the rejection based upon 35 USC 103(a).

In view of the arguments hereinabove set forth and amendment to the claims, it is submitted that each of the claims now in the application define patentable subject matter not anticipated by the art of record and not obvious to one skilled in this field who is

aware of the references of record. Reconsideration and allowance are respectfully requested.

Respectfully submitted,



Walter A. Hackler, Reg. No. 27,792  
Attorney of Record  
2372 S.E. Bristol, Suite B  
Newport Beach, California 92660  
Tel: (949) 851-5010  
Fax: (949) 752-1925